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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,622	07/28/2003	Diane Kessenich	6266-19-1	4441
7590	10/05/2005		EXAMINER	
AKERMAN SENTERFITT Suite 400 222 Lakeview Avenue West Palm Beach, FL 33401-3188			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/628,622	KESSENICH ET AL.	
	Examiner	Art Unit	
	X L. Bautista	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/3/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,034,680. Although the conflicting claims are not identical, they are not patentably distinct from each other.

3. The limitations found in claims 1, 3-7, and 18 of this application are the same as in claims 1-19 of US 6,034,680 with the exception of the recited "establishing a portal of supplementary information...providing a kiosk for interacting with said portal..." However, the user of a kiosk as an interface display device is well known in the art. Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to use kiosks for providing an interface because a kiosk is a special interactive graphical user interface that allows the users to enter their queries and to trace the searching and

retrieval of the information, and it enhances the effectiveness and efficiency of information retrieval.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saigh et al* (US 5,734,823) in view of *Blonder et al* (US 5,760,771).**

**Claim 1:**

Saigh discloses an information distribution system that includes a central information bank and a central transactional database coupled to point-of-sale delivery systems. The point-of-sale delivery systems may take the form of a book bank subsystem (abstract). The point-of-sale delivery systems are classified by functions including a point of purchase delivery system and a book bank subsystem. The point of purchase system is described as a system from which books can be purchased and includes a Book Bank 302 (fig. 3) and a cashier's station 308A (col. 2, lines 13-17, 35-41, 51-55; col. 4, lines 51-61; col. 6, lines 63-67; col. 7, lines 4-7, 12-17). Saigh fails to teach that printed books are associated with a common uniform address referencing to a corresponding hypermedia document, which includes links

to secondary hypermedia documents however, Blonder teaches a system and method for providing structured tours of hypertext files. A hypertext file (displayed by a browser) contains links which when selected by a user cause another page to be displayed. Applications in which hypertext files are used are on a web site. These files are written in HTML and may reside on a computer with an Internet address. The tour is selected by a user from a tour service page, and is comprised of a set of predetermined pages and an automated tour guide. Fig. 4 shows an embodiment of a tour service page that has graphics selectable by a user indicating the categories of Entertainment, Education, and Finance. After the selection of a graphic the user is presented with a new page (fig. 5) which shows a selection of tours. After a tour is selected, an introductory screen with information (fig. 10) is displayed to the user (abstract: col. 1, lines 13-31; col. 2, lines 42-46; col. 5, lines 63-67; col. 6, lines 1-63; col. 12, lines 64-67; col. 13, lines 1-21; figs. 6, 7; fig. 24). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made, to use Saigh's kiosk in conjunction with Blonder's interactive tour service to provide information of interest to the user, and provide a common internet web access address because, the user has the advantage of combining or complementing information from paper printed books with the electronic books information available on the Internet.

Claim 2:

See claim 1. Blonder teaches that a known browser presents a list of bookmarks 21. A user can construct a viewing program by storing bookmarks for pages according to a theme and may revisit any page in the program by selecting its title from the list of bookmarks (col. 1, lines 61-67; col. 5, lines 12-20).

Claims 3-6:

See claim 1. Saigh teaches that the Book Bank is a self-service, user interactive information vending device. Each Book Bank contains a network interface, a local memory storage, a secondary storage device, a central processing unit, a keypad, a display, etc., (see Saigh: col. 7, lines 12-17; col. 8, lines 14-16, 39-42, 53-56; see Blonder: col. 11, lines 29-65).

Claim 7:

See claim 1. Saigh teaches a point-of-sale system. Saigh teaches that after selecting a book, the customer can make a proper payment by using the cashier's station interface (col. 10, lines 40-66; fig. 4).

Claims 8-10:

See claim 1. Blonder teaches an itinerary page which is presented as a textual list of school pages to be visited. The list may be comprised of graphics, videos or audio components. After the itinerary page is narrated, the next page explaining its contents is displayed. An embodiment of this page is shown in fig. 8b.

The guide gives further information about Yale University and continuous to display more pages providing more information (figs. 8a, 8b, 9, 10; col. 6, lines 64-67; col. 7, lines 1-30). Blonder fails to teach that the books content is adapted for children, young adults, or adults. However, it would have been obvious to an artisan in the art at the time of invention to provide books appropriate for users of different ages in Blonder's invention because, the user is allowed to find information concerning a topic of his/her interest and according to his/her age.

Claim 11:

See claim 8. The tour service page does not display the categories of museums, art galleries, colleges, universities, foundations, government administrations, and agencies. However, it displays the categories of Entertainment, Education, and Finance. Thus, it would have been obvious to include any other category in Blonder's invention because, it provides the user with more selections to choose from (col. 5, lines 63-67; col. 6, lines 1-63).

Claim 12:

See claim 8. Blonder teaches that the automated tour guide provides transitionary information from page to page. The user may state a preference for more specific content or for more information on a new topic. The user can provide such information by selecting items displayed on a page (col. 3, lines 10-17, 21-26).

Claim 14:

See claim 8. Blonder teaches in fig. 24 a user 2406 accessing the network 2402. The user selects a tour and the content of a page is displayed. The primary tour server 2401 responds by transmitting tour server page Hypertext data through the network to the user client. The tour service page Hypertext data is displayed to the user by the browser through a display screen 2407. Information from other servers (hyperlinks referring to more information) are also transmitted to the user (col. 11, lines 29-67; col. 12, lines 1-13).

Claim 15:

See claims 1, 8, and 10. Blonder teaches hypertext files which contain links that when selected cause another page to be displayed providing information. Blonder teaches that a tour is selected from a tour service page, which lists the available tours as links. The links may be represented by one or more of graphic, audio, text, video and animation components. The guide may appear as a video figure, provide textual information, and play audio pieces such as narration and music (col. 1, lines 6-31; 65-67; col. 2, lines 1-10, 61-64; col. 3, lines 14-16; col. 5, lines 21-33).

Claims 16-19:

See claim 1. Saigh teaches a system and method for electronic communication and storage of information. Saigh teaches that information is

distributed from a central information bank to a user's personalized storage medium. Information to be so distributed by the present system is received from outside sources either electronically, over various communication networks or from various storage mediums (e.g., magnetic or electronic disks, cartridges, or tape reels or compact disks, laser disks, tape cassettes, etc.), (col. 3, lines 54-64).

6. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Saigh/Blonder* in view of *Redford* (US 5,597,307).**

As per claim 13, Saigh/Blonder fails to teach that pages are displayed at a rate exceeding a speed under which a child user can read each word on each page. However, Redford discloses a method for wireless remote control and use of interactive media. One embodiment of a remote control includes a printed publication (such as a book, magazine or a catalog), a storage media holder and a data button. A printed publication remote control includes a printed publication having printed content and buttons connected to a remote control circuitry which allows users to remotely control use of associated electronic content by a host device. One embodiment of a data selecting remote control is a picture book remote control for children which has buttons associated with printed text/graphic content of an object. Pressing a button causes the application to display a video recording selection of the desired object (col. 2, lines 53-65; col. 3, lines 5-14, 35-38; col. 4, lines

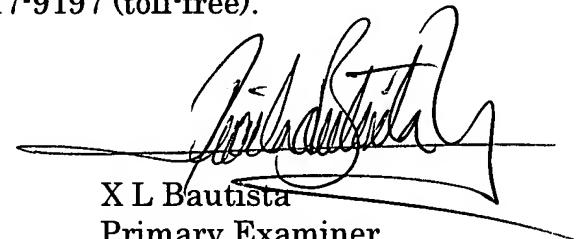
44-52; col. 5, lines 36-43). Redford teaches a picture book remote control with one button which causes page turning and caption reading on a host device allows even preschool children to enjoy interactive multimedia books on a host device without need for parental assistance (col. 3, lines 41-52, 59-67; col. 4, lines 33-43; col. 5, lines 36-43, 62-67; col. 11, lines 38-41, 50-58; col. 13, lines 22-31; col. 15, lines 35-43). Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to include Redford's page turning or displaying technique in Saigh/Blonder's invention because a user such as a child is enabled to read at his/her own speed, making reading an easy and enjoyable experience.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
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xlb  
September 30, 2005